

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

1.45

VOLUNTARY RESCUE ACTIVITIES BY EMPLOYEES

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I. Background:

RCW 49.17.060(1) requires employers subject to the Washington Industrial Safety and Health Act (WISHA) to provide "...employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death...." In determining whether an employee's efforts to rescue another person constitute a "recognized" hazard, department staff must assess the nature of the employee's job duties.

II. Scope and Application:

This WRD, which will remain in effect indefinitely, provides guidance similar to that provided under the federal Occupational Safety and Health Administration (OSHA). This WRD incorporates the substance of WISHA Interim Interpretive Memorandum #96-6-F, which is hereby rescinded.

III. Interpretive Guidance:

The department will not interfere with or regulate an individual's choice to place himself or herself heroically at risk to save the life of another person. However, employers must address specific hazards their employees are likely to encounter on their worksites.

- A. If an employee has been designated for service on a rescue team or directed to perform rescue activities in the course of his or her job duties, is the employer responsible for hazards faced by that employee?

Yes. The employer is responsible under WISHA. WISHA staff must apply appropriate standards and issue citations as necessary.

- B. What is the employer's obligation if an employee is in a work environment where the likelihood of life-threatening accidents is relatively high?

The employer has an obligation under the Accident Prevention Program (APP) requirement to address how employees should respond to such emergencies. This APP requirement includes an obligation to train employees to recognize hazards inherent in rescue efforts and to understand the associated risks to potential rescuers not trained in or properly equipped for rescue

operations. Such employers also have a potential obligation to provide rescue equipment and training *if* they know that conditions at the site are dangerous *and* that employees are likely to attempt rescue.

- C. If an employee has no obligation to perform occupational rescue but voluntarily engages in rescue activities, can the employer be cited?

In such cases, the employer must not be cited provided that the hazard was not predictable *or* that the employer provided training to employees in understanding the hazard and directed them to avoid such activities. If the employer provided such training and guidance, the CSHO must not issue a citation based upon the employee's voluntary heroic actions, whether or not they are successful.

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